

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014060847

ORDER PARTIALLY GRANTING
REQUEST FOR CONTINUANCE AND
CONTINUING FIRST DAY OF
HEARING BY ONE DAY

On August 5, 2014, the parties jointly filed a request to continue the dates in this matter. The initial hearing date is set for August 6, 2014.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is partially granted. The parties first requested a continuance of the hearing in the afternoon immediately before the first day of hearing, and after the pre-hearing conference was held. Their request seeks a continuance to October 27-31, 2014. They contend that the basis for their request is that they are finalizing a written settlement agreement. Their request follows a telephonic notification to OAH that the matter had settled subject to signatures on a settlement agreement, and they anticipated filing a dismissal with OAH by the close of business on August 5, 2014.

The parties have not demonstrated good cause for a continuance of nearly two months to complete a settlement agreement. Accordingly, the request for a continuance is denied. However, OAH will grant a one day continuance to enable the parties to finalize the settlement agreement.

Unless a dismissal is filed before 4:30 p.m. on August 6, 2014, the hearing will begin on August 7, 2014 at 9:30 a.m., and will continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: August 05, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings